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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,187	09/21/2005	Javier Sanchez	W1878.0222	5315
32173 7590 02/06/2009 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER KAO, WEI PO ERIC				
ART UNIT 2416		PAPER NUMBER		
MAIL DATE 02/06/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/550,187

**Applicant(s)**

SANCHEZ, JAVIER

**Examiner**

WEI-PO KAO

**Art Unit**

2416

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3,4,6-9,12 and 14.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Ricky Ngo/  
Supervisory Patent Examiner, Art Unit 2416

/Wei-po Kao/  
Examiner, Art Unit 2416

Continuation of 11, does NOT place the application in condition for allowance because: In response to the remark on page 8: In response to the entire content of the remarks, in particular that "Leprieur fails to cure the deficiencies of Sanchez. Leprieur is silent concerning when such module is activated and in some cases discloses that the user turns on the power to a mode lacking power. The Office Action cites Leprieur at paragraphs [0024] and [0047] as ... Thus, paragraph [0024] discloses that the second part turns on the power to the first part of the terminal, but no more. Likewise, paragraph [0047] states ...." the examiner respectfully disagrees. After a close inspection to the paragraphs [0024] and [0047], the examiner respectfully asserts that the paragraphs do not merely teach that "the second part turns on the power to the first part of the terminal." Accordingly the paragraph [0024] states the following:

[0024] According to a feature, the supply of power to one part of the terminal operating in one mobile radio mode is interrupted and said method includes a step of activation of said one part by a second part operating in another mobile radio mode and a step of updating the time of said activated part of the terminal.

As the matter of fact, the paragraph teach mainly a method " of activation of said one part by a second part operating in another mobile radio mode and a step of updating the time of said activated part of the terminal." Further paragraph [0047] states the following:

[0047] In a multimode terminal, a microcontroller controls the various parts associated with each mode, for example a UMTS part and a GSM part. When the mobile is locked to a base station associated with a first mode (for example the UTRAN mode), the power supply to the part associated with the second mode (for example the GSM mode) can be interrupted, to save power. When a measurement on a station associated with the second mode is necessary, for example at intervals of about thirty seconds according to the UMTS standard, the party associated with the first mode can activate the second mode via the microcontroller and set the terminal to the time of said second mode.

In particular, paragraph [0047] lines 7-11 states: "when a measurement on a station associated with the second mode is necessary ... the party (part) associated with the first mode can activate the (part associate with) second mode via the microcontroller and set the terminal to the time of said second mode." So, when the part of the first mode finishes measuring, the part of first mode activates the part of second mode to start taking measurement associated with the second mode. Such step of activation takes place immediately before calculating/measuring the time shift or time offset. Therefore, the examiner respectfully asserts that Leprieur's teaching indeed teaches when a module in a multimode is activated.

In response to the remark on page 8:

In response to the entire content of the remarks, in particular that "In addition, independent claim 1 recites a step of "(a) measuring for each of cells adjacent to the current cell a time offset." (Emphasis added.) On page 8, the Office Action admits that Sanchez does not teach this step. Leprieur does not disclose measuring time offset for each adjacent cell ...." the examiner respectfully disagrees. The examiner respectfully invite the Applicants to consider the combined teaching of the background art of the Sanchez and Leprieur instead of their teachings separately. Since the background art of the Sanchez clearly teaches the ability of performing measurements in order to switch to a different network on neighboring cells belonging to the different network, implementing Leprieur's switching method to Sanchez's teaching yields the desired limitation as required by the presented independent claims, namely 1, 6 and 7.

In response to the remark on page 9:

In response to the entire content of the remarks, in particular that "Dependent claims 3-4, 8-9, 12 and 14 depend either directly or indirectly from independent claims 1 and 7, and incorporate all the limitations of the independent claims from which they depend. These dependent claims are allowable over the cited art for at least the same reasons discussed above," the examiner respectfully disagrees. For the same reasoning presented above, the dependent claims are not allowable because they depend on the rejected independent claims..